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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,458	11/08/2001	Masanori Kondo	01-232	5073

23400 7590 06/10/2003

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,458

Applicant(s)

KONDO ET AL.

Examiner

Jacob Y Choi

Art Unit

2875

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1,2, 4, 5, & 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Toda et al. (USPN 6,305,823).

Regarding claim 1, a vehicle information detection means (12) for detecting information used for controlling a light axis direction of a headlight, a control angle calculation means (CPU) for calculating a light axis control angle, a light axis direction adjustment means (118, 110) for moving the light axis direction such that the light axis direction has the light axis control angle, a direction detection means (112) for outputting a signal having a level correlated to the light axis direction of the headlight, and a failure detection means (120, 122) for detecting a failure in the light axis direction adjustment means based upon a predetermined value and the level of the signal that is outputted from the direction detection means when the light axis direction adjustment means is driven such that the direction detection means outputs the predetermined value unless a failure occurs in the light axis direction adjustment means *before* the light

Art Unit: 2875

axis direction starts to be controlled using the light axis direction adjustment means, wherein the failure detection means is operable in response to an engine starting operation (figure 2; 130, 131).

Regarding claim 2, Toda et al. discloses a failure dealing means for dealing with the failure in the light axis direction adjustment means.

Regarding claim 4, Toda et al. discloses the failure detection means is operable in response to an engine ignition switch operation (Figure 2).

Regarding claim 5, Toda et al. discloses the failure detection means forcibly drives the light axis direction adjustment means to a predetermined direction irrespective of the calculated light axis control angle and compares the detected light axis direction with the predetermined direction.

Regarding claim 11, Toda et al. discloses the direction detection means is a potentiometer and is operatively linked to the light axis direction adjustment means.

Regarding claim 12, Toda et al. discloses a control angle calculation means (CPU) for calculating a light axis control angle to adjust a light axis direction of the vehicle headlight based upon sensor signals received from vehicle sensors, a light axis direction adjustment means (118, 110) for driving a motor to move the vehicle headlight axis direction in accordance with the light axis control angle, and a failure detection means (120, 122) for determining if the motor is in a failure state by outputting a predetermined test signal for driving the motor and comprising an output signal subsequently received from a potentiometer (112) electronically coupled to the motor when the motor is driven to the predetermined test signal, and concluding that the motor

is in the failure state if the output signals received from the potentiometer is not within the predetermined range associated with the predetermined test signal, wherein, the failure detection means activates a failure indication and prevents operation of the motor when the failure state is detected prior to the vehicle headlight axis direction being moved, and the failure detection means is operable in response to an engine starting operation (figure 2; 130, 131).

Regarding claim 13, Toda et al. discloses a central processing unit (CPU) comprises the control angle calculation means, the light axis direction adjustment means and the failure detection means, the central processing unit for executing control programs stored in a memory source.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (USPN 6,305,823).

Regarding claims 6-10, Toda et al. discloses the structural limitation of an automatic headlight axis direction control system for a vehicle. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a

use of particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore, it would have been obvious that structural limitation of Toda et al. would determine a failure detection time point which precedes lighting operation of the headlight, driving the headlight to a predetermined headlight axis direction at the failure detection time point, detecting an actual headlight axis direction of the headlight driven by the driving step, and detecting a failure of a headlight system before the driving of the headlight begins based upon whether or not the detected actual headlight axis direction differs from the predetermined headlight axis direction, the determining step starts in timed relation with an engine starting operation, the determining step starts in times relation with an engine ignition switch operation, the driving step drives the headlight to two limit angle as the predetermined headlight axis direction, detecting vehicle information, calculating a headlight axis direction variable with the detected vehicle information when a headlight operation is needed and the failure detecting means detects no failure, and driving the headlight to the calculated headlight axis direction.

Response to Amendment

5. Examiner acknowledges that the applicant has amended claims 1, 4, 5, & 6, canceled claim 3, & newly added claims 11-13.

Response to Arguments

6. Applicant's arguments filed 04/18/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the CPU determines whether or not the motors are in the failure state before the headlamp is switch on) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Note: the claims recite, "the failure detection means is operable in response to *an engine starting operation*" and applicant failed to point out the support from the specification that "*the CPU determines whether or not the motors are in the failure state before the headlamp is switch on*" also applicant's figure 3 does not show the following limitation(s)

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2875

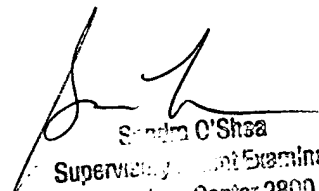
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
June 5, 2003


Sandra O'Shea
Supervising Patent Examiner
Technology Center 2800